

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
David A. SACK et al.

Application No.: 10/526,079

Group Art Unit: 1645

Filed: February 28, 2005

Examiner: Lakia J. Tongue

Confirmation No.: 8323

Attorney Docket: 29731-214498

For: VARIANTS OF VIBRIO CHOLERA
01 BIOTYPE E1 TOR WITH ATTRIBUTES
OF CLASSICAL BIOTYPE

26694
PATENT & TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

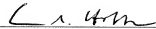
In response to the Restriction Requirement issued April 3, 2008, Applicant elects Matlab I. This election is made with traverse. It is respectfully submitted that no notice of lack of unity was received in PCT application US2003/026968, on which the present U.S. national stage filing is based, and that therefore all of the claims should be considered to encompass a single inventive concept. Furthermore, it is submitted that Matlab I, Matlab II and Matlab III are all strains of *Vibrio cholerae*, and that searching all of the strains would not pose an undue burden on the Examiner. Withdrawal of the restriction is respectfully requested.

Please extend the time to respond by three months and charge the required fee and any other fees that may be due to Deposit Account No. 22-0261, Deposit Account Name: Venable LLP.

Early and favorable action on the merits is respectfully requested.

Respectfully submitted,

Date: August 4, 2008


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